

SENATOR SOUNDS NOTE OF WARNING

Frazier of Tennessee Discusses Federal Encroachment Upon State Rights.

JAPS HAVE NO GRIEVANCE

MUST OBEY STATE LAWS LIKE OTHER PEOPLE.

Washington, Feb. 8.—Federal encroachment in state rights, with the Japanese school question as the principal illustration, was the subject of an address to the senate today by Senator Frazier of Tennessee.

Mr. Frazier said that this was not a question that concerned California, but concerned the right of every state to control its domestic affairs. If the federal government by treaty could rob a state of control of its own school system, the last stronghold of local self-government was destroyed. If a treaty could force the Japanese to enter the schools of California, a treaty could force the negroes of Cuba, Santo Domingo, Hayti and the Chinese into the schools of Tennessee in defiance of the laws for the separation of the races. He expressed the highest admiration for the Japanese, but said that the action of California furnished no pretext for a quarrel with that country. The school board of California had simply executed a state law providing for the education of white and Japanese children in separate schools. It had been decided over and over again that states had a perfect right to make such separation; that the state of California was but exercising its legal and constitutional powers.

Treaty Rights Not Violated.

He denied with emphasis that the government had ever undertaken by treaty to interfere with the constitutional rights of California in this respect. Quoting the language of the treaty he said:

"I challenge anyone to find in it a word guaranteeing to Japanese residents the right to enter public schools of the state at all, much less to enter them in defiance of state laws and regulations."

The United States government cannot compel a state to create public schools at all. The schools were creatures of state law, maintained by state taxation and subject only to that control. The right of residence guaranteed to the Japanese implied the right to work and make living, but not to go to school. But even if the right of residence did carry with it the right to enter public schools, he added, it did not carry exemption from the right of separation in the schools. The treaty with Japan provided that the Japanese must "conform themselves to the laws, police and other regulations of the country like native citizens." Can it be contended that Japanese aliens have acquired higher privileges than they would as citizens of the United States?

New Orleans Precedent.

He contended that the president ought to have followed the policy of Mr. Blaine in the case of the lynching of Italian citizens in New Orleans. There was a treaty with Italy which guaranteed protection to Italian citizens, but when the Italian government complained, Mr. Blaine informed it that Italian citizens had no higher rights than Americans and that the right to punish for murder was an exclusive province of the state where the crime was committed.

Mr. Frazier said he did not believe we had reached the point where we must apologize for our constitution or change the character of our government. He said our trouble with Japan, he said, had its origin in our colonial policy, which had instilled a fear in the nations of the east that we were attempting to dominate the politics and commerce of the orient.

Root's Recent Speech.

Mr. Frazier dwelt at length on the recent speech of Secretary Root, which he declared to be a threat to wipe out state lines and absorb all powers of the states into the federal government.

"When he said, 'The states are deprived of the right to judge whether and how far they shall exercise their powers, we cease to be a people,' the statesman," he intimated, that this usurpation of power was necessary to control the trusts. Before seeking to rob the states of their power let the federal government use its own. Let it reduce the monstrous tariff which built up and is protecting the trusts."

It was not necessary, said Mr. Frazier, to make the rights and powers of states conform to a standard set by the chief executive alone.

He said the president had incited insurrection against Colombia and committed acts of war with the nations of the south; had overridden the treaty-making power and had threatened to use the military forces of the nation to overthrow the laws of the state. He spoke of the president having gone forth "with pomp and ceremony, followed by an armed fleet, treating at his leisure, after the manner of the German kaiser, to visit his outlying provinces."

South American Trip.

Secretary Root, he said, had evolved a constructive recess and had recently visited the capitals of the south to show them the big stick and tell them to be good and pay their debts. These were the people who were crying for more and greater power.

"This," he said, "should not be made a party question, but if the Republican party chooses to go to battle upon an issue for the complete subversion of the rights of the states, the Democratic party, always the party of the constitution, will accept the issue. But the question above party; it goes to the very preservation of our wisely ordered system of dual government under which we have so marvelously grown and prospered as a people."

BOILERMAKERS GO OUT.

Bloomington, Ill., Feb. 8.—A strike of all the boilermakers and helpers of the Chicago & Alton railway, numbering 200, began today. They want an increase in wages.

Thin people usually have feeble digestion. They can't digest fat—yet that's just what they need.

Scott's Emulsion is made of the most nourishing oil (fat) Nature produces, scientifically prepared to assimilate with a minimum of tax on the digestion. It makes thin people plump.

All druggists, 50c. and \$1.00.

SUCCESSOR OF JAMES H. BEATTY

Idaho People Interested in the Matter of the Appointment of a Federal Judge.

SEVERAL MEN MENTIONED

HEYBURN'S ENDORSEMENT IS PROBABLY NECESSARY.

(Special to The Herald.)

Boise, Feb. 8.—Idaho politicians and the public generally are very much interested in the identity of the successor to Judge James H. Beatty of the United States district court. The more prominent candidates are Judge Allshie of the supreme court of the state, Lytle Price, a Boise attorney, and F. S. Dietrich of Pocatello. The appointment will be made, it is thought, upon the recommendation of Senator Heyburn, although many of the Idaho people think that Senator Heyburn will have to recommend a man thoroughly acceptable to President Roosevelt or his recommendation will be ignored because Senator Heyburn's official attitude lately has not been at all in liking of the chief executive. Senator Heyburn has given no intimation, at least as far as the public is aware, of his preference.

Allshie Is Favored.

The logic of the situation seems to point to Judge Allshie. It has been pointed out that Mr. Dietrich's connection with the federal bench would seriously hamper his candidacy. He is the general counsel for the Oregon Short Line in Idaho and other corporations. At the same time he is recognized as a clean, able, upright man who would follow the law. He has his determination of any cases that might be brought before him while acting in a judicial capacity. Those who know Mr. Dietrich say they would not hesitate to appoint him if they had the power, regardless of his corporation connection, which he would, of course, never immediately upon his appointment. President Roosevelt, however, is just now making a bench which has had no road combinations and he will almost surely look with disfavor upon the proposition to appoint a railroad attorney to the federal bench in Idaho.

Endorsed by Attorneys.

Judge Allshie has been strongly endorsed at his own request—by the attorneys of the state, and so has Mr. Price. There is the possibility of a candidate springing up from the ranks of the bar, but it is enough to secure the appointment, but this is regarded as doubtful.

Advocates in favor of Judge Allshie are the desire to put Judge Frank J. Smith, formerly of the Seventh district, on the federal bench. Judge Smith was defeated at the last election by the Democratic nominee, Judge Bryan of Payette. He is now in the preliminary proceedings in the Moyer-Haywood-Pettibone case. Governor Gooding is said to have urged the appointment of Judge Allshie, and perhaps his desire to elevate Judge Smith to the supreme bench has something to do with his favorable consideration of Judge Allshie's claims.

LOS ANGELES HEARING ENDS

Commissioner Lane Called to the National Capital by the Illness of His Wife.

Los Angeles, Feb. 8.—Frank K. Lane, who journeyed to the interstate commerce commission hearing at the national capital today's session, to meet again in New York on Feb. 25, when the inquiry into the Harriman merger will be again taken up. Several railroad officials and officers of the fruit growers' organizations testified today.

R. E. Wells, general manager of the San Pedro, Los Angeles & Salt Lake railroad, testified that the company has instituted a fast six-day freight service to Chicago for the benefit of the fruit industry of the southern states. Southern Pacific and Santa Fe companies made objection to his road, and that the service was discontinued.

Fruit men testified that the fruit growers were making no money, owing to exorbitant freight rates, and that the crops were greatly endangered by the shortage.

Commissioner Lane was compelled to adjourn the hearing earlier than expected, owing to the illness of his wife in Washington. He left for the capital tonight.

ARMY BILL IN SENATE.

Considerable Debate Expected on Some of the Amendments.

Washington, Feb. 8.—The senate today passed the Indian appropriation bill. Senator Frazier made an address on the subject of state rights, after which the army appropriation bill, carrying a total of \$81,000,000, was taken up.

The measure was partly read for approval of committee amendments, and adjournment was taken shortly before 6 o'clock, when it became apparent that considerable debate was to be occasioned by an amendment to permit the government to receive reduced rates from the railroads for the transportation of troops and supplies for the army and to allow army officers and their families to accept free transportation. The adoption of this amendment would be a modification of the railroad rate bill passed at the last session of congress.

Senator Warren, in charge of the bill, gave notice that he would press its consideration tomorrow.

Senator Nelson said that he would move tomorrow for the consideration of the bill granting the government the right of appeal in criminal cases.

PETITION FROM IDAHO PRESENTED IN SENATE

(Special to The Herald.)

Washington, D. C., Feb. 8.—Senator Heyburn today presented to the senate the memorial of the Idaho legislature petitioning congress to enact legislation to place on pensionable status surviving civilians who took part in the Beecher's Island Indian fight in Colorado in the early '70s. These civilians were scouts who were employed by General Forsythe and rendered efficient services in the battle named. Few survivors remain and of these nearly all are in needy circumstances, and in the opinion of the Idaho legislature, should be pensioned.

ADMIRAL MEAD RETIRED.

Washington, Feb. 8.—Rear Admiral William Whitman Mead, who has been promoted to the command of the Portsmouth, N. H., navy yard, by Rear Admiral George A. Bicknell, was today placed upon the retired list of the navy, owing to age. Rear Admiral Mead was born in Kentucky and appointed to the navy from that state in December, 1881.

FAVORABLE REPORT.

Washington, Feb. 8.—The senate committee on territories today authorized a favorable report on a house bill giving to the Alaska Railroad company a government charter for a road from the head of Cordova bay to a point upon the Yukon river near Eagle, Alaska. The railroad will enter the Alaskan copper field.

STRICKEN WITH PARALYSIS.

Washington, Feb. 8.—A. R. Spofford, chief assistant librarian of congress, was stricken with paralysis today. The attack is not serious.

AWFUL HUMOR WAS EATING AWAY FACE AND EARS—BODY MASS OF SORES—THREE DOCTORS TRIED TO HELP LITTLE SUFFERER BUT SHE GREW WORSE—AFTER SPENDING MANY DOLLARS ON DOCTORS AND MEDICINE

Awful Humor Was Eating Away Face and Ears—Body Mass of Sores—Three Doctors Tried to Help Little Sufferer But She Grew Worse—After Spending Many Dollars On Doctors and Medicine

CUTICURA CURES IN TWO WEEKS AT COST OF 75c.

"I feel it my duty to parents of other poor suffering babies to tell you what Cuticura has done for my little daughter. She broke out all over her body with a humor, and we used everything recommended, but without results. I called in three doctors, they all claimed they could help her, but she continued to grow worse. Her body was a mass of sores, and her little face was being eaten away. Her ears looked as if they would drop off. Neighbors advised me to get Cuticura Soap and Ointment, and before I had used half of the cake of Soap and box of Ointment the sores had all healed, and my little one's face and body were as clear as a new-born babe's. I would not be without it again if it cost five dollars, instead of seventy-five cents, which is all it cost us to cure our baby, after spending many dollars on doctors and medicines without any benefit whatever. Mrs. George Steese, 701 Coburn St., Akron, Ohio, Aug. 30, 1905."

ITCHING TORTURES Speedily Cured by Cuticura

A warm bath with Cuticura Soap and a single application of Cuticura Ointment to the great Skin Cure, will afford immediate relief, permit rest and sleep, and point to a speedy cure of the most distressing forms of torturing, disfiguring, humors, eczemas, tetter, rashes, itching, and irritations of infants, children, and adults when all other remedies and even physicians fail.

Complete External and Internal Treatment for Every Humor of Infants, Children, and Adults consists in using Cuticura Soap (2c.) to cleanse the skin, Cuticura Ointment (50c.) to heal the skin, and Cuticura Resolvent (50c.) to cleanse the blood. Cuticura Resolvent is sold in the form of Chocolate Coated Pills, 25c. per box of 60 to Purify the Blood. Supersedes the use of the "Purifier" and "Blood-Cleaner." Sole Props., Boston, Mass. "Mailed Free, How to Treat Skin Diseases."

FOUR WRECKS ON AS MANY ROADS

Several Trainmen Killed and Many Passengers More or Less Seriously Injured.

Chicago, Feb. 8.—One trainman was killed and a dozen or more passengers injured, none seriously, when train No. 5 on the St. Paul railroad collided today within the city limits with a switch engine drawing a train of empty passenger coaches.

Train No. 5 is known as the "Champion Flyer" and runs between St. Paul and Chicago. The train was well filled with passengers, who fought savagely to get out of the cars after the crash. Many of them were cut about the head and face.

The injured are residents of Chicago, Milwaukee, Marquette and Ionia, Mich.

Ithaca, N. Y., Feb. 8.—The Lehigh Valley train from Wilkes-Barre, due here at 12:30 p. m., was wrecked at West Danby, ten miles south of Ithaca. A relief train with doctors was sent from the city.

Reports from West Danby state six persons were seriously injured and a score slightly hurt.

The wreck resulted, it is thought, from spreading rails. Three cars were overturned.

Chicago, Feb. 8.—In a head-on collision today between two freight trains on the Chicago, Lake Shore & Eastern railroad at Ninety-first street and Ewing avenue, one trainman was killed and three others fatally hurt. The accident was caused by a misunderstanding of signals.

Peoria, Ill., Feb. 8.—A Chicago, Burlington & Quincy passenger train went through a switch in the yards at Peoria, James Kisewetter, aged 48, of Peoria, who was standing near the track, was killed. Three trainmen were seriously hurt.

CHRONIC CONSTIPATION CURED.

One who suffers from chronic constipation is in danger of many serious ailments. Orino Laxative Fruit Syrup cures chronic constipation, as it aids digestion and stimulates the liver and bowels, restoring the natural action of these organs. Commence taking it today and you will feel better at once. Orino Laxative Fruit Syrup does not nauseate or gripe and is very pleasant to take. Refuse substitutes. F. J. Hill Drug Co., "The Never Substitutors."

Flowers for Valentine

At The Flower Shop, under National Bank of the Republic.
GEO. J. DWYER, Manager.

GOVERNMENT DOES A LITTLE SCHEMING

Omaha, Feb. 8.—The war department has found a way to get even with the Union Pacific and Northwestern roads for refusing to haul the Tenth cavalry from Nebraska forts to San Francisco at lower tariff rates. Although the soldiers were scheduled to start on the journey on Feb. 27, today orders were issued to hold the men until March 1, on which date the colonist rates are put in effect on all western railroads, and the soldiers will be hauled at one-half the regular rate, plus 2¢. This is a lower rate than the quartermaster's department expected to secure from the railroads on the regular bid.

MARCHED OUT IN ORDER.

Mobile, Ala., Feb. 8.—Proficiency of pupils in the fire drill the school system, the panic during a fire in the basement of the Willis G. Clarke public school today. An overhead furnace ignited the woodwork and filled the building with smoke. As soon as the fire drill was sounded the children marched from the different rooms.

CONVICTED OF MURDER.

Philadelphia, Feb. 8.—Three Chinese, Yung Jow and Mung Jow and Mook Kung, were convicted of murder today for the killing of Ding Su, during a shooting affray between factions in the Chinese quarter, July last.



Walker's second all Salt Lake City Charity Sale.

Saturday—the last day of the great charity sale, 5 per cent of sales will be divided between the Salvation Army and the Model Corridor Fund.

The noble work of the Salvation Army is known to all. Little need be said in explanation, the countless families who have been supplied with coal, clothing and food through the efforts of this organization, are the best testimony. Half of the 5 per cent of Saturday's sales will help this society in the work of relief.

The Model Corridor Fund is represented by the Civic Section of the Ladies' Literary Club. Its object is a cleaner city, morally and materially. Through its intervention we have cleaner streets, more systematic garbage collection and more beautiful yards. The covered patrol and expectation law were also brought about by the Civic Section. One of the important works carried on is the beautifying of the public school interiors; six model corridors have been installed and more will follow as funds will permit.

Splendid Saturday under- prices on toilet articles.

Silex hand sapolio. Excellent value at 10c—
Saturday..... 7c

Pinaud's Beautiviva, famous liquid powder, a regular 75c bottle—
Saturday..... 59c

Isabel Cassidy's massage Creme Beatrice, worth 50c the bottle—
Saturday..... 25c

Eureka Royal Lilac soap. Very large cakes worth 10c each—Saturday..... 8c

Colgate's shaving sticks. Worth 20c everywhere. Saturday they go at 10c each. East aisle. Main store.

Worthy specials from the Juvenile section.

Babies' all wool sweaters, a splendid assortment in plain effects and fancy stripes. Buster Brown styles. Worth \$1.25 each. You choose Saturday at... 69c

Girls' blouse sweaters in pretty fancy weaves. Very fine \$1.50 and \$1.75 values. Saturday they go at... \$1.15

Sweaters for boys. A splendid line in plain effects and fancy stripes. The \$1.25 kind go at... 89c

The \$1.75 kind go at... \$1.18

Juvenile section. First floor annex.

ENORMOUS TOTAL REACHED

John D. Rockefeller Has Given the Vast Sum of \$79,000,000 for Educational Purposes.

New York, Feb. 8.—The fund of the general education board, which was increased to \$42,000,000 by the amazing gift of \$22,000,000 by John D. Rockefeller in a lump sum yesterday, is to be raised to \$79,000,000, according to the expectations of members of the board. The additional donations are expected from other rich men, friends of the Rockefeller family, who are interested with him in his charitable enterprises.

John D. Rockefeller's gifts to education have now reached the great total of \$79,000,000, distributed as follows:

Chicago university	\$21,000,000
Rush Medical college	4,000,000
Other colleges (estimated)	10,000,000
General education board, original gifts	16,000,000
General education board, new gifts	32,000,000

ASKED TO INVESTIGATE.

Madison, Wis., Feb. 8.—Assemblyman Weber, Social Democrat, introduced a joint resolution in the legislature today, memorializing congress to investigate the Moyer-Haywood case in Idaho, and the decision of the federal supreme court thereon.

Women Need

a natural laxative and tonic when troubled with lassitude, depression, nervousness or a general run-down condition of the system. Nature responds quickly, and regularity is established by the use of

Beecham's Pills
Sold everywhere. In boxes 10c. and 25c.

To finish a fine lot of neckwear, we offer regular \$1.50 values at 85c

They're certainly beauties. Every one made of the very finest silk used in neckwear making. New rich effects in regular and folded four-in-hands. They'll disappear like magic at 85c each.

Five dozen handsome four-in-hands, worth \$1.00 and \$1.25 each. Choice Saturday..... 50c

Men's stiff bosom white shirts, all sizes and all styles; worth \$1.50 each. Saturday..... \$1.15

Regular \$2.50 coat style shirts with cuffs attached, mostly in light patterns. Choice Saturday..... \$1.75

Fine assortment of colored border linen handkerchiefs, worth 35c each. Saturday you choose at 21c.

Knit underwear and hosiery extra specials for Saturday.

Women's extra fine silk hose, made of best English yarns. Look like silk and wear much better, the pair..... 50c

Fine silk hose in great variety of colors, plain or lace. The pair..... 50c

Balbriggan vests and tights, ribbed goods; worth \$1.75 the garment..... \$1.35

Women's vests and tights, gray or white; very fine \$1.50 quality. Special..... \$1.15

Many other odd lines of underwear to close at greatly reduced prices.

"Perrin's" long gloves represent the combination of time, money, material and brains—the result is the best glove on the market today.

Last day of the rubber glove offers.

\$1.00 quality rubber gloves, the pair..... 65c

75c quality rubber gloves, the pair..... 45c

Extra quality glove kid overseam gloves, 3-clasp style, all colors, the pair..... \$2.00

Fine chamois gloves for comfort.

Also for durability and looks. May be washed without injury. Twelve button length, white or natural, the pair..... \$2.50

Sixteen-button length, white or natural, the pair..... \$3.00

Fancy goods marked down for Saturday.

White silk belts. A beautiful assortment. Handsomely embroidered. Princess and girle shapes. Worth 1 50c to \$1.50 each.... 3 off

Souvenir spoons—a very large stock of these—some very original designs. Values from 50c to \$3.00 each. Choice Saturday 1/4 off at.....

Fancy jewelled hat pins, very fine values at 50c to \$3.50 each. Saturday 1/2 off you choose at....

Splendid lot of beaded bags just in. Also a handsome line of imported belts in new, fetching designs, beaded effects in black and steel; also black, white and colored kid belts. Prices very reasonable.

Center aisle, back.

Saturday in the "Busy Basement."

Japanese decorated cups and saucers. A very handsome assortment. Sell regularly at 25c and 35c each. Choose Saturday.... 21c

Decorated china plates. Very elegant creations. Worth \$4.00 the dozen. Saturday you choose at, the dozen..... \$2.50

A splendid line of vases and gold clocks. Very choice for wedding gifts. Saturday they'll go 1/3 off at.....

Game pictures. A splendid selection of choice subjects worth 49c each. Choice Saturday.... 35c

GREAT RAILROAD WRECK

Consisting of Men's, Ladies', Misses', Boys' and Children's Shoes, Clothing, Furnishing Goods, Hats, Caps, Hosiery, Underwear, Overshirts, Dry Goods, Etc., Etc.

AT WRECK PRICES

Remember, everything to be sold—nothing reserved

Sale commences Saturday, Feb. 9, and lasts until stock is sold.

Place

258 STATE ST.

Where the Big Signs Are.

Notice if our name is on the door. If not, it's the wrong place. Phone 65 for the correct time.

Leysons
JEWELERS
325 MAIN ST.
SALT LAKE CITY.